

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
RECEIVED & FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

2021-DEC-23 P 12:20

James Clinton Smith Jr
-Vs-

Please See Attached
list of defendants on Separate
Sheet directly following.

Additional and Amended
CIVIL Complaint
Case No. 2:21-cv-00328-LEW
Hon. John C. Nivison
Jury Trial Requested.

Complaint with Jury Demand

This is a Civil Rights action filed by James Smith Jr, for damages and injunctive relief under 42 USC § 1983 Alleging Sexual Harassment Violation of State of Maine Legislative Directive L.D. 1044, interference and Violation of Constitutional Right to Communication with Courts, and lawyer as well as law enforcement Authorities, Violation to Rights of Religious Freedoms and Denial of Religious Materials, Unconstitutional Confinement and Degradation, Denial of Newspaper, Denial of Faith based Religious Diet, Denial of Ability to Report Crimes Committed against me to law Enforcement, Denial or writing Materials hindering Communication with Courts and lawyer. The Plaintiff also Alleges the Torts of Sexual Harassment, Discrimination and Negligence, as well as the Violation of Maine L.D. 1044 and any Violations of Due Process.

Jurisdiction

1. This honorable Court has Jurisdiction over these matters under 42 USC §§ 1331, 1343 and 1983 and others.
2. The Court has Supplemental Jurisdiction over the Plaintiff's State law tort Claims and any Violation of Legislative Directive

List of Defendants Pursuant to Complaint for Civil Case

Plaintiff, James Clinton Smith Jr

v.

Sheriff, Eric Sampson - Androscoggin County Sheriff

Major, Jeffrey Chute - Androscoggin County Jail Administrator

Captain, hare ellman - Assistant Jail administrator

Sergeant, Geniae Carter - Admin officer Classifications/supervisor/ETC

Sergeant, Victoria Langlier - Admin, Programs, Classifications and Disciplinary board

Coronial, Thomas Farrington - Admin, Programs, Classifications and Disciplinary board

Officer, Michael Greenleaf - Admin, Commissary, Property, D-board, Programs, ETC

Sergeant, Troy Harps

Sergeant, Littlefield "First name not given to Plaintiff"

Sergeant, Klevinger "First Name not given"

Sergeant, LaJoi "First Name not given"

Corporal, Gendron "First Name not given"

Parties.

1. The Plaintiff James C. Smith Jr., is currently housed at the Androscoggin County Jail "ACJ" and was during the following described incidents.
2. Defendants, Eric Sampson, Jeffrey Chute, Lam Feldman, George Carter, Victoria Langlier, Thomas Farrington, Micheal Greenleaf, Troy Harpe, "Sergeant Littlefield" Sergeant Klevinger "Sergeant Lavoie" - Corporal Lavoie "Corporal Gundron" "Corporal Littlefield" are all employed by Androscoggin County Sheriff's office and are officers or administrative workers of Androscoggin County Jail, they are sued in their individual and official capacities both.
3. All defendants have acted, and continue to act, Under Color of law at all times relevant to this Complaint and in their official and individual Capacity.

Facts

- 1 Sexual harassment has been committed against the Plaintiff from the day of incarceration April 14th onward Plaintiff is anatomically Male but identifies female at this time Plaintiff has been diagnosed with Gender Identity disorder and Gender Fluid.
- 2 Plaintiff has in the past been housed with women and is currently being refused to be housed with women, this is in violation of legislative Directive 1044, Passed and Signed by Governor Janet Mills.
- 3 Plaintiff was crying one day and an officer opened the Plaintiff's door and threw a box of Maxi Pads into the Plaintiff's face and said "Slap one of these on, Clean up your pussy and stop crying bitch" and slammed the door. All of this is equal to Sexual harassment and Sexual discrimination.
- 4 Plaintiff was placed on Disciplinary Segregation for 47 days

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during which time Everything Except 2 Books and bedding was removed from Cell Plaintiff did not have a Cup and was forced to drink from the Faucet Plaintiff also had no writing Materials and was refused them when Needed to write to Courts and Lawyer. Plaintiff asked Each defendant at one time or another throughout the 47 Day lockdown for these things and was told No by Everyone of the defendants that I had to use them during my leisure time only.

- 5 Leisure time on Disciplinary Segregation Consists of a half hour Period in which one is Expected to Shower, write to Family, Couch or lawyers, Fill out any Requests or Grievances and Attend to hygiene. During "D-seg" Lockdown No hygiene Items are Allowed in Cell, as I stated before, Everything Except 2 books and bedding is Removed, it is 23½ hours Lockdown in ones Cell, it is a gross Violation of Right to access the Courts and lawyers, One is Not able to Even brush their teeth or wash ones hands outside of the half hour Period and Phone access to Even Attempt to Call Any lawyer or family is Restricted to a half hour, on Sunday Once A Week. One is Not Even Allowed the Newspaper. All of this is in Violation of Constitutional Rights to Freedom of access to the Court and my attorney and is in Violation of Constitutional Rights to Access and keep up personal hygiene and Access Printed News Publications.

- 6 Plaintiff was Written up on November 8th for an incident regarding the phone in Violation of Androscoggin Jail Rules, I was written for 4 nights. Due process was Violated because my phone privileges were Suspended Prior to a Disciplinary board hearing or finding of guilt

which has resulted in Complete loss of Contact with Family and my lawyer which has Completely Damaged my Legal Case and defense, When a formal D-board was held 29 Days later, Plaintiff proved through defense that I acted under Duress and out of fear for another's Safety. Plaintiff was found not Guilty of 2 Articles and received 10 Days Discipline time Suspended, For the other 2 Articles, on Nov 8th when written up Plaintiff was moved from Medium to Max housing and has not been moved back, Nor have phone privileges been Restored it has been 42 Days I have been without a phone and in Max 22 hour lockdown, Our process was and is Violated because I was moved to Max and phone privileges were taken Prior to a Reclassification hearing or a D-board hearing. A Punishment Cannot be imposed before Someone is found Guilty and once punishment was imposed it said nothing about a Max placement or loss of phone rights permanently. I have been Isolated in Max and Without phone access for 42 days I'm not even Allowed to Call the Free Confidential Sexual Assault and harassment hotline to speak with my Advocate Jaymie Ricker from SDPRRS.

- 7 Plaintiff is being refused a Special Diet "High Protein" which I have been on here before for no apparent reason I am Protein Deficient since birth.
- 8 Plaintiff has had Excruciatingly Painful teeth problems infections and broken teeth for over 8 months and is not being brought to a dentist for treatment and extraction and infections are Recurring, 5 times now.